

AUG 27 2012

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,)	
)	Criminal No. 7:10cr00070-4
)	
v.)	<u>2255 MEMORANDUM OPINION</u>
)	
PATRICK CLEOFOSTER JONES, II.)	By: Samuel G. Wilson
)	United States District Judge

Petitioner, Patrick Cleofoster Jones, II, a federal inmate proceeding *pro se*, filed a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, challenging his 2011 conviction and sentence. Upon review of the record, the court finds that Jones' instant § 2255 motion must be dismissed as an unauthorized successive motion.

I.

Jones challenges his 125-month sentence for conspiring to distribute more than 100 grams of heroin, in violation of 21 U.S.C. § 846. Court records indicate that Jones previously filed a § 2255 motion regarding the same conviction and sentence which this court denied. See Docket Nos. 112, 122, and 123. This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). As Jones has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, the court must dismiss his petition as successive.¹

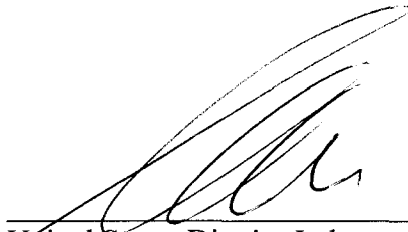
¹ Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion will be included with this notice or are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.

II.

For the reasons stated, the court dismisses Jones' motion as a successive § 2255 motion.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTER: This 27th day of August, 2012.



United States District Judge